



***de maximis, inc.***

186 Center Street  
Suite 290  
Clinton, NJ 08809  
(908) 735-9315  
(908) 735-2132 FAX

April 16, 2012

**VIA ELECTRONIC & US MAIL**

Ms. Stephanie Vaughn  
ATTN: Lower Passaic River Remedial Project Manager  
Emergency and Remedial Response Division  
U.S. EPA, Region 2  
290 Broadway, 19th Floor  
New York, New York 10007

**Re: Monthly Progress Report No. 59 – March 2012  
Lower Passaic River Study Area (LPRSA) Remedial Investigation/  
Feasibility Study (RI/FS)  
CERCLA Docket No. 02-2007-2009**

Dear Ms. Vaughn:

**de maximis, inc.** is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

**(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.**

**Meetings/Conference Calls**

- On March 1, EPA, NJDEP and CPG representatives met to discuss the River Mile (RM) 10.9 Characterization data and response status.
- On March 2, Bergen County and CPG representatives met to discuss the RM 10.9 Characterization and development of response actions.
- On March 6, EPA, Bergen County and CPG representatives conducted a site walk in Riverside Park adjacent to the RM 10.9 area.
- On March 13, EPA and CPG representatives met to discuss and review activities for the proposed RM 10.9 beneficial sediment reuse pilot demonstrations.
- On March 29, EPA, NJDEP, and CPG representatives met to continue discussing the draft preliminary Statement of Work (SOW) for RM 10.9 response actions.

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**Correspondence**

- On March 1, CPG responded to EPA contractor questions received on February 27 regarding RM 10.9 data (EDDs) submitted in February.
- On March 2, EPA and CPG contractors exchanged emails regarding schedules and logistics for the High Flow (HV) Chemical Water Column Monitoring (CWCM) event.
- On March 8, EPA provided results of surficial soil sampling conducted in Riverside Park, Lyndhurst (January '12) to CPG.
- On March 12, CPG submitted Field Modification requests FM-120220-1 and FM-120222-1 regarding the CWCM program to EPA.
- On March 12, CPG updated EPA on the status of the Reference/Background Memo requested by the Partner Agencies, the HV CWCM proposal and an agenda for a RM 10.9 meeting.
- On March 15, CPG submitted the Monthly Progress Report to EPA.
- On March 15, CPG submitted a memorandum to EPA titled "The Urban River Background and Reference Conditions: Factors Used to Evaluate Existing Datasets."
- On March 17, CPG submitted Non-Conformance Report NC – 110816-7 from Small Volume (SV) CWCM Routine Event #1 to EPA.
- On March 19, CPG submitted Field Modification requests FM-120316-1 to EPA for revised sample size for EPA Method 1613B applicable to the Low Resolution Coring Supplemental Sampling Program (LRC SSP) program.
- On March 19, EPA indicated that they had no comments on Field Modification request FM-120316-1.
- On March 19, CPG submitted a proposal for conducting HV CWCM sampling to EPA.
- On March 26, CPG submitted a draft preliminary SOW for RM 10.9 response actions to EPA.
- On March 26 and 27, CPG submitted a progress update to EPA of field activities for the LPRSA portion of SV CWCM Routine Event #3.
- On March 28, EPA summarized to CPG their understanding of the CPG proposed HV CWCM program and requested additional monitoring locations and submission of a QAPP within 30 days.
- On March 29, EPA provided comments to CPG on CWCM Non-Conformance Report NC-110816-7 and Field Modification requests FM-1202222-1 and FM-120220-1.
- On March 30, CPG responded to EPA comments on CWCM Field Modification FM-120220-1 and provided missing Non-Conformance Report NC-120222-1 that should have been provided in FM-1202220-1.

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### Work

- CPG continued drafting the RM 10.9 Characterization data report.
- CPG continued evaluation of RM 10.9 characterization data and developed a draft preliminary SOW.
- CPG continued chemical analysis of the samples collected during the SV CWCM Routine Event #2 field activities.
- CPG initiated validation of the SV CWCM Routine Event #2 data.
- CPG conducted the SV CWCM Routine Event #3 field activities in the LPRSA on March 26 and 27.
- CPG conducted planning and preparation for a SV CWCM High Flow Event anticipated during the spring months.
- CPG initiated drafting of the HV CWCM QAPP Addendum
- CPG continued chemical analysis of the samples collected during the LRC SSP field activities.
- CPG continued data validation of the LRC SSP data.
- CPG continued work on the 2011 Post-Hurricane Irene Bathymetry Survey report.
- CPG began development of an addendum to the RM 10.9 Characterization QAPP for collection of RM 10.9 sediment samples to be provided to beneficial reuse technology vendors.
- CPG continued discussions with beneficial sediment reuse technology vendors about bench scale and large scale pilot demonstrations.
- CPG continued drafting the winter/spring 2011 Avian Survey Report.
- CPG Modeling Team continued work on decoupling the Hydrodynamic and HQI ECOM-SEDZLJS Sediment Transport Model codes to shorten run times and long-term sediment transport calibration runs.
- CPG Modeling Team continued work on the RCATOX Chemical Fate and Transport Model Code initial conditions and long-term calibration runs.
- CPG Modeling Team continued supporting design activities for the CWCM High Flow Event.
- CPG Modeling Team continued work on system understanding for hydrodynamic and sediment transport processes in Newark Bay.
- CPG continued review of sediment characteristics and potential target remedy locations in support of initial Feasibility Study (FS) evaluations.
- CPG continued development of a FS cost estimating framework.

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**(b) Results of Sampling and Tests**

- On March 16, CPG posted the original laboratory EDDs received during February for the SSP LRC and CWCM Routine Event #2 activities to the EPA SharePoint site.
- On March 22, CPG posted final complete validated laboratory EDDs for the RM 10.9 Characterization to the EPA SharePoint site.

**(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion**

- CPG will complete drafting and submit the RM 10.9 Characterization Data report and appendices (includes the RM 10.9 Hydrodynamic Study and July '12 Bathymetry Survey reports) to EPA.
- CPG will continue development of an addendum to the RM 10.9 Characterization QAPP for collection of RM 10.9 sediment samples to be provided to beneficial reuse technology vendors.
- CPG will initiate development of a QAPP for bench-scale testing of RM 10.9 sediment samples by beneficial reuse technology vendors.
- CPG will provide RM 10.9 sediment samples to beneficial sediment reuse technology vendors for bench scale testing and continue discussions regarding large-scale pilot demonstrations.
- CPG will continue chemical analyses of the LRC SSP samples.
- CPG will continue validation of the LRC SSP data.
- CPG will continue chemical analysis of the SV CWCM Routine Event #2 samples.
- CPG will continue validation of the SV CWCM Routine Event #2 data.
- CPG will initiate chemical analysis of the SV CWCM Routine Event #3 samples.
- CPG will initiate validation of the SV CWCM Routine Event #3 data.
- CPG will conduct a SV CWCM High Flow Event if River conditions meet CWCM QAPP criteria.
- CPG will conduct CWCM Routine Event #4 the week of May 26, conditions permitting.
- CPG will continue drafting the HV CWCM QAPP Addendum.
- CPG will continue discussions with candidate vendors for the HV CWCM program.
- CPG will schedule a field demonstration of proposed HV CWCM sampling equipment for EPA participation.
- CPG will complete drafting the Post-Hurricane Irene Bathymetric Survey of the LPR report.

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- CPG will complete revisions to and submit the Risk Assessment Risk Characterization Plan and appendices (Background/Reference Site, Ecological Life History Profiles, and Data Usability documents) to EPA.
- CPG will complete drafting the 2010 Small Foraging Fish Tissue Chemistry Data Report.
- CPG will complete drafting the 2011 Avian Survey Report.
- CPG Modeling Team will continue calibration runs with the HQI ECOM-SEDZLJS and RCATOX codes and inputs.
- CPG Modeling Team will continue support with the CWCM High Flow program planning and development.
- CPG will participate in LPR/Newark Bay Modeling Program progress calls and follow-up modeling collaboration meetings with EPA and EPA consultants.
- CPG will continue initial FS evaluation of targeted remedy locations and development of cost estimating tools.

**(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.**

- Based upon discussions with EPA, the CPG understands that the calibration of the HQI sediment transport model was completed by the EPA Modeling Team during the fourth quarter of CY 2010 and that changes were and continue to be made to the HQI SEDZLJS code and inputs used by EPA in its calibration. It is also the CPG's understanding that EPA is continuing work to improve their calibration. As such, the CPG is continuing to work on both its high flow calibration and its long-term daily calibration. EPA and CPG collaboration meetings were conducted in January and March 2012; these and previous meetings are providing an opportunity for both modeling teams to understand difference between each team's approaches. Delays associated with both the sediment transport modeling and chemical fate transport modeling schedules are extending the completion of the LPRSA RI/FS.
- The CPG understands that the EPA approved Tierra's CSO/SWO Workplan in May 2011. It is also the CPG's understanding that the Method Detection Studies and other work must be completed prior to the start of the Phase 1 work. The extent of the RI/FS schedule impacts is dependent on the completion of these items.
- EPA provided comments on July 11, 2011 which disapproved the revised risk assessment planning documents and required submission of revised documents

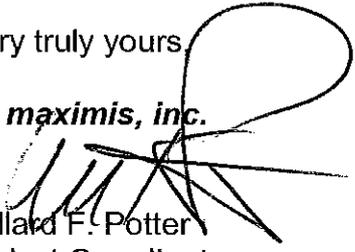
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within 30 days. Additionally, EPA provided a technical memo on July 25, 2011 on fish and crab consumption rates for the LPRSA Human Health Risk Assessment. The CPG filed a notice of dispute resolution in accordance with Section XV of the AOC on July 25, 2011 in response to EPA's July 11, 2011 directive letter and July 25, 2011 technical memorandum. The revised RARC and TRV deliverables were submitted on August 9, 2011. On September 6, 2011 the CPG submitted a position paper in response to EPA's July 11, 2011 comments and July 25, 2011 technical memorandum. Dispute resolution meetings were held on December 1, 2011 and January 13, 2012. EPA provided the results of the dispute resolution to the CPG on February 7, 2012 and the CPG has begun to implement the changes specified in the July 2011 directive comments and the results of the dispute resolution which it expects to submit in mid-April 2012.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

*de maximis, inc.*

  
Willard F. Potter  
Project Coordinator

cc: Pat Hick, EPA Office of Regional Counsel  
William Hyatt, CPG Coordinating Counsel  
Lisa Baron, USACE  
Tim Kubiak, USFWS  
Reyhan Mehran, NOAA  
Janine MacGregor, NJDEP  
Elkins Green, NJDOT  
Laura Kelmar, AECOM